

VZCZCXRO0629
PP RUEHDBU
DE RUEHNT #0804/01 1091203
ZNY CCCCC ZZH
P 191203Z APR 07
FM AMEMBASSY TASHKENT
TO RUEHC/SECSTATE WASHDC PRIORITY 7726
INFO RUCNCIS/CIS COLLECTIVE
RUEHLO/AMEMBASSY LONDON 0845
RUEHFR/AMEMBASSY PARIS 0287
RUEHRL/AMEMBASSY BERLIN 1146
RUEHBS/USEU BRUSSELS
RUEHVEN/USMISSION USOSCE 1973
RUEHGV/USMISSION GENEVA 0750

C O N F I D E N T I A L SECTION 01 OF 03 TASHKENT 000804

SIPDIS

SIPDIS

DEPT FOR SCA/CEN AND DRL

E.O. 12958: DECL: 04/19/2017

TAGS: [PHUM](#) [PGOV](#) [PREL](#) [UZ](#)

SUBJECT: UZBEKISTAN'S CASE AGAINST HUMAN RIGHTS WATCH
STAFFER UMIDA NIYAZOVA

REF: TASHKENT 782

Classified By: DCM BRAD HANSON, FOR REASONS 1.4 (B, D)

11. (C) Summary: Human Rights Watch local staffer Umida Niyazova's trial was to begin on April 19, but at the scheduled start time, the judge abruptly postponed the case for "further study." Niyazova's indictment contains copious detail of alleged illegal border crossing and smuggling, but very little about the key charge against her: producing and distributing documents which pose a threat to state security. The indictment identifies Niyazova's U.S. Embassy contacts by name, and it strongly implies--though incorrectly--that she received Embassy grant money to further her goal of undermining the state. Circumstances suggest that while she will be found guilty, she may spend relatively little time in prison. One reason the trial may have been postponed, and a reason Niyazova may be released early, is the significant political pressure European countries are now putting on Uzbekistan for its shabby treatment of Human Rights Watch. End summary.

12. (C) Human Rights Watch local staffer Umida Niyazova was scheduled to go on trial April 19. However, at the scheduled start time, the Tashkent Criminal Court judge abruptly postponed the trial for "further study" and gave no indication when the process would resume. Post has obtained a copy of Niyazova's indictment. She is charged with illegal border crossing, smuggling, and using funds from foreign sources to produce and disseminate materials posing a threat to the state and public security. She has been in custody since January 22. The total maximum penalty for the listed offenses is 23 years' imprisonment. (Comment: Criminal judges generally order those convicted of multiple charges to serve their sentences concurrently. It is likely that the sentence will amount to less than ten years' imprisonment. End comment.)

SUBVERSIVE DOCUMENTS AND ILLEGAL BORDER CROSSING

13. (C) The 25-page indictment includes summaries of Niyazova's interrogation, as well as testimony from 28 witnesses and references to several supplementary documents purporting to "prove" Niyazova's "total guilt." It contains copious information about alleged smuggling and illegal border crossing. However, details are sparse concerning the alleged "materials posing a threat to public security and public order." While the indictment characterizes the offending documents as subversive, based on "expert

analysis," it never identifies the documents, nor gives any concrete description of their content.

14. (C) According to the indictment, Niyazova arrived at the Tashkent airport on a flight from Bishkek on December 21 carrying a laptop computer and a "flash drive" data storage device, which she neglected to report on her customs declaration. Customs officers reportedly detected these items during an x-ray scan of Niyazova's hand baggage and summoned an "expert" from the Uzbek Agency for Telecommunications and Information Technology to analyze their contents. The analysis purportedly revealed that "the materials contained on the hard disk of the notebook and memory of the removable disk are directed at infringement of the constitutional order, undermining the state, violation of territorial integrity, religious extremist and fundamentalist propaganda, and (threats) to national security.

15. (C) The indictment notes that after her initial detention, authorities released Niyazova and retained her passport pending further investigation. On or about January 8, according to the document, Niyazova traveled to Kyrgyzstan without her passport, bypassing the border crossing point. On January 22, she returned to Uzbekistan, again attempting to bypass the border crossing, but was apprehended by border guards.

MONEY FROM FOREIGNERS

16. (C) On the computer and flash drive, according to the indictment, were "materials indicating that Niyazova had received financing from abroad in the guise of grants to

TASHKENT 00000804 002.3 OF 003

various so-called 'human rights' organizations to support their activities." Among the grants Niyazova allegedly received was one from the U.S. Embassy's Democracy Commission small grants program for a project entitled "Decriminalization of slander and insult - a guarantee of freedom of speech." (Note: In fact, the Embassy received a grant proposal with this exact title in January; however, it has not been approved; the proposal was submitted by a known friend of Niyazova's, but Niyazova's name is not associated with the proposal. Niyazova was associated with the newly established human rights organization "Veritas," which received a Democracy Commission grant in April; however, the Embassy approved the grant only after Niyazova's arrest - reftel. End note.)

17. (C) Aside from the U.S. Embassy grant, according to the indictment, Niyazova received a series of money transfers from abroad, including \$5,328 from Russia, \$2,000 from Turkey, \$1,229.84 from Britain, and smaller sums from Kazakhstan and Kyrgyzstan. (Note: Human Rights Watch office director Andrea Berg confirmed that Niyazova had received several Western Union wire transfers from these countries; in one case to pay for airline tickets for a family vacation to Turkey. The precise amounts in the documentation suggest that, as we have heard from other sources, Uzbek law enforcement does monitor Western Union money transfers. End note.)

18. (C) The indictment also describes a relationship between Niyazova and a Kyrgyzstan-based organization which the document identifies as "Global Information Human Rights Activity." (Note: Its Russian acronym, GIPI, suggests this may be a reference to the Global Internet Policy Initiative, a project of the NGO Internews. End note.) According to the indictment, Niyazova received funds from GIPI to fund internet access for Uzbek human rights activists. The indictment goes on to accuse Niyazova of distributing foreign-sourced money to other domestic activists.

19. (C) The document also describes Niyazova's involvement with the Russia-based news website "Oasis," alleging that she

received money from the site's editor and then distributed it in the form of honoraria to Uzbek stringers whom she recruited to write articles on human rights issues. Several of the stringers are named in the indictment. The document also alleges that she worked as a freelance fundraising consultant, assisting human rights organizations with grant proposals, and even auditing their operations for a fee. (Comment: Here the document implies accusations against Niyazova far beyond the crimes of which she is formally accused, including engaging in journalism without accreditation, conducting unregistered commercial activity, and concealing income from taxation. End comment.)

¶10. (C) In some instances, the indictment merely makes reference to Niyazova's contacts in the international community, without overtly accusing her of illegal activity. The document names two Embassy poloffs, as well as a Public Affairs FSN, who know Niyazova. The document also names a Dieter van Boven, an employee of the "Swiss Organization for Gender Equality," who allegedly hired Niyazova to conduct program assessments of five women's organizations. (Note: One human rights activist named in the indictment told Poloff that investigators questioned him as a witness in the case and asked him pointed questions about his relationship to specific U.S. diplomats. He said he answered neutrally, telling the investigators that he had seen poloffs at various unspecified "conferences and seminars." End note.)

REPERCUSSIONS ON EUROPEAN RELATIONS

¶11. (C) While we do not know the reason for the trial delay, the case has likely been influenced by recent European diplomacy. Niyazova's prosecution is part of a larger Uzbek attack on Human Rights Watch, which most recently included the government's refusal to renew accreditation to the organization's office director, German citizen Andrea Berg (reftel). The Ministry of Justice delivered this news to Berg on April 13, only hours after the departure of the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE), Spanish Foreign Minister Miguel Angel Moratinos. Moratinos had been in Tashkent for two days

TASHKENT 00000804 003 OF 003

of meetings with Uzbek officials. Post learned that Moratinos called Foreign Minister Norov upon learning of the denial of Berg's accreditation and expressed deep disappointment with the decision. German Ambassador Matthias Meyer also raised the issue with Norov. Norov reportedly responded by describing the accreditation denial as a "personal decision" by the Minister of Justice, and he promised to look into the matter. Against this backdrop, going ahead with Niyazova's trial would only contribute to a growing sense among European diplomats that Uzbekistan is not making concrete, positive steps to demonstrate its good faith on human rights. The European Union is scheduled to revisit its sanctions regime against Uzbekistan in May.

COMMENT: A POLITICAL DECISION

¶12. (C) Niyazova's guilty verdict is predetermined. Her indictment and trial are merely formalities to provide a thin veneer of legal process. The accusations of smuggling and illegal border crossing may have merit; they are credible and consistent with information Post received before Niyazova's arrest. Other charges are clearly political in nature. Nevertheless, Niyazova may spend relatively little time in prison. If recent experience is any guide, the court may convict Niyazova, sentence her to several years in prison, and then arrange a release. The 2006 case of political activist Nodira Khidoyatova might serve as a model; in that case, after the conviction, amid a flurry of international publicity and diplomatic appeals, a local prosecutor filed an appeal on Khidoyatova's behalf. She was later released on "humanitarian" grounds, based on the fact that she was the

mother of a young child. Niyazova has a two-year-old son; she is also a female first-time offender, eligible for inclusion in the annual amnesty which is traditionally announced in December.

¶13. (C) Decisions to release political detainees like Khidoyatova and Niyazova do not demonstrate "mercy" on the part of the Uzbeks; they only underscore the capricious and political nature of Uzbekistan's judicial system. If Niyazova is freed early, or even (dare we hope?) given a suspended sentence, the decision will be based not upon the mercy of the Uzbek government, but upon its political calculation that releasing her is in the interest of the state.

PURNELL